

In re Patent Application of:

MAY ET AL.

Serial No. 10/790,479

Filing Date: MARCH 1, 2004

REMARKS

The Examiner is thanked for the thorough examination of the present application. In view of the following, it is submitted that all of the claims are patentable.

I. The Claimed Invention

The present invention is directed to a mobile wireless cellular communications device. As recited in Claim 1, for example, the device includes a wireless cellular transceiver and a controller for cooperating therewith for receiving text messages from a wireless communications network. The device further includes a headset output connected to the controller. The controller is for switching between a normal message mode and a hands-free audio message mode based upon a connection between the headset output and a headset. Moreover, when in the audio message mode, the controller outputs at least one audio message comprising speech generated from at least one of the received text messages via the headset output.

Independent Claim 9 is directed to a related cellular communication system. Moreover, independent Claim 16 is directed to a related method, and independent Claim 20 is directed to a related computer-readable medium.

II. The Claims Are Patentable

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The Examiner rejected independent Claims 1, 9, 16, and 20 under 35 U.S.C. §103(a) based upon U.S. Patent No. 6,181,956 to Koshan, in view of U.S. patent publication No. 2004/0186728 to Kuboyama et al. Submitted herewith is a Declaration Under 37 CFR §1.131 (the "Declaration") to establish that the present invention precedes the effective date of Kuboyama et al. (namely January 26, 2004), which therefore renders it unavailable as a prior art reference. More particularly, the Declaration establishes conception of the invention recited in the claims of the present application prior to the effective date of Kuboyama et al., coupled with due diligence extending from prior to the effective date to the filing of the present application, in accordance with 37 CFR. §1.131(b).

Accordingly, it is respectfully submitted that Kuboyama et al. may not be relied upon as prior art, and the rejection of the above-noted independent claims under 35 U.S.C. §103(a) should therefore be withdrawn. As such, since the remaining prior art of record fails to properly provide all of the recitations of independent Claims 1, 9, 16, and 20, these claims are patentable. Their respective dependent claims, which recite still further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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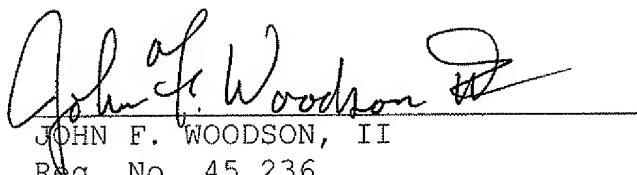
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CONCLUSIONS

In view of the foregoing, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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